

Remarks

Claims 1-23 are pending in the application, and each of the claims was rejected. By this paper, claims 7 and 19 are amended. Based on the following remarks, consideration of the amended claims, and reconsideration of the remaining claims, is respectfully requested.

Drawings

The Examiner objected to the drawings as being inconsistent with features recited in claims 7 and 19. By this paper, the inconsistent features have been canceled from claims 7 and 19. The Examiner objected to Figure 3 because reference character "21" was used to designate two different features. By this paper, Figure 3 is amended such that one of the features is now appropriately labeled "24".

The Examiner objected to the drawings because reference numbers 40 and 46 in Figure 1 were transposed with reference numbers 32 and 38. The Examiner also objected to Figure 3, stating that reference numbers 12, 18, 24, 26, 43 and 52 were not depicted as mentioned in the specification. The Examiner further objected to Figure 7, stating that reference numbers 226 and 244 were not shown. The Examiner also objected to Figure 8, stating that reference numbers 326 and 344 were not shown. The Examiner also objected to Figure 9 (inadvertently referenced as Figure 8 in the Office Action), because reference numbers 426 and 444 were not shown. Finally, the Examiner objected to Figure 9 because the length of side wall 444 was not shown to be less than that of object 456 as mentioned in the specification.

The Examiner correctly noted the transposition of reference numerals 40 and 46 with reference numerals 32 and 38 in Figure 1. By this paper, Figure 1 is appropriately amended. Figure 3 is also amended to include each of the reference numbers inadvertently omitted in the figure as originally filed. By this paper, Figures 7-9 have also been amended to include reference numbers previously omitted, but referenced in the specification. Specifically, reference numbers 226 and 244 have been added to Figure 7, reference numbers

326 and 344 have been added to Figure 8, and reference number 444 has been added to Figure 9. Reference number 426 was not added to Figure 9, since it is not mentioned in the application. With regard to the length of side wall 444 not being less than that of object 456 as mentioned in the specification, it was the specification, not the drawing, that contained the error. Claims 7 and 19 recite that only one side wall has a length less than that of the object to be displayed; therefore, Figure 9 correctly illustrates the invention recited in claims 7 and 19. By this paper, the specification has been appropriately amended to be consistent with the original claim language and Figure 9 as originally filed.

Specification

The Examiner objected to the disclosure because of a number of informalities. Specifically, the Examiner objected to features 52 and 18 being inconsistently referenced in the specification. The Examiner also objected to a reference to “retaining device 211” on page 7, line 25, stating that the phrase should read “retaining device 311.” By this paper, the specification has been amended to consistently reference features 52 and 18, and to change “retaining device 211” to “retaining device 311”.

Claim Rejections - 35 U.S.C. § 112

The Examiner objected to claims 15, 18 and 19 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner stated that there was insufficient antecedent basis for “the slot” recited in claims 15, 18 and 19, and for “the ridge”, recited in claims 18 and 19. By this paper, claims 15, 18 and 19 have been amended such that “the slot” and “the ridge” are changed to “the recess” and “the protrusion”, respectively. Claim 14 recites both “a recess” and “a protrusion”, thereby providing antecedent basis for the language in claims 15, 18 and 19.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-6, 9 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,195,633 (Kaminski).

The MPEP states that "'a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'" MPEP § 2131, 8th ed., Rev.1 (citation omitted). The MPEP further states that "'the identical invention must be shown in as complete detail as is contained in the claim.'" *Id.* (citation omitted). A close examination of Kaminski reveals that it does not describe, either expressly or inherently, each of the elements recited in any of the claims of the present application.

For example, claim 1 of the present application recites "first and second retaining walls connecting the side walls together...." The Examiner states that Kaminski includes first and second retaining walls (10, 12). Even if front body member 10 and rear body member 12 of Kaminski are construed to be first and second retaining walls, they do not connect side walls together, as specifically recited in claim 1 of the present application. In fact, the front and rear body members 10, 12 of Kaminski, are not connected to anything but each other. In addition, claim 1 recites "each retaining wall being connected to one end of each side wall to space apart the retaining walls opposite each other, thereby forming an inner space...." The front and rear body member 10, 12 of Kaminski are not "connected to one end of each side wall" as required by claim 1, and they are clearly not "spaced apart...thereby forming an inner space," as also required by claim 1. In fact, front and rear body members 10, 12 of Kaminski are screwed together with a threaded fastener means 34 such that there is no space between them.

Another element recited in claim 1 of the present application that is not expressly or inherently described in Kaminski is "the inner surface of the first retaining wall having a first lip around the first aperture and extending toward the inner space to contact and

retain the object within the inner space.” First, as discussed above, Kaminski does not describe an inner space as recited in claim 1. In addition, even if the “inner tip of a first aperture 20” is construed to be a first lip, it does not meet the limitation of “the inner surface of the first retaining wall having a first lip....” Indeed, the “inner tip of first aperture 20” extends from an *outer* surface of front body member 10, not an *inner* surface. In fact, the inner surface of front body member 10 is held securely against the inner surface of rear body member 12 by threaded fastener means 34. Therefore, Kaminski does not have an inner surface of a first retaining wall having a first lip, nor does Kaminski have such a lip extending toward an inner space. Kaminski, therefore, does not describe, either expressly or inherently, each and every element as set forth in claim 1, as specifically required by the MPEP. It is therefore submitted that Kaminski does not anticipate claim 1 of the present application.

Because claim 1 is the base claim for claims 2-6, 9 and 12, each of these claims contains all of the limitations recited in claim 1. In addition, claims 2-6, 9 and 12 each contain additional limitations which further distinguish them from the cited reference. For example, claim 3 recites “the inner surface of the second retaining wall having a second lip around the second aperture and extending toward the inner space to contact and retain the object within the inner space.” As discussed above, there is no inner space as recited in claim 1, since the front and rear body members 10, 12 of Kaminski are not spaced apart from each other. In addition, the Kaminski device does not include an inner surface having a second lip. The remaining claims in the rejected set also contain additional limitations which further distinguish them from the cited reference. Therefore, Kaminski does not expressly or inherently describe “each and every element as set forth” in claims 1-6, 9 or 12, and it is therefore submitted, that none of these claims is anticipated by Kaminski.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-6, 9, 11, 12, 14-18, 20, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,261,535 (Light et al.) in view of U.S. Patent No. 2,828,008 (Fryburger). The Examiner also rejected claims 7 and 19 under

35 U.S.C. § 103(a) as being unpatentable over Light et al. in view of Fryburger as applied to claims 1 and 14, and further in view of U.S. Patent No. 2,881,914 (Woeber et al.). The Examiner further rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Light et al. in view of Fryburger as applied to claim 1, and further in view of U.S. Patent No. 5,115,965 (Girona Alepuz). The Examiner also rejected claims 10 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Light et al. in view of Fryburger as applied to claims 1 and 14, and further in view of U.S. Patent No. 4,319,681 (Gestetner). The Examiner further rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Light et al. in view of Fryburger as applied to claims 1, and further in view of Japanese Patent No. JP 05329239A (Kobayashi).

The MPEP states that in order to establish *prima facie* obviousness, all of the claim limitations of an invention must be taught or suggested by the prior art. MPEP § 2143.03, 8th ed., Rev.1. Because none of the cited references, either alone or in combination, teach or suggest all of the claim limitations of the present invention, *prima facie* obviousness is not established.

For example, claim 1 of the present application recites “the inner surface of the first retaining wall having a first lip around the first aperture and extending toward the inner space....” The Examiner states that Light et al. discloses a retaining device having a first aperture (24) and first lip (26). The tabs 26 disclosed in Light et al. are coplanar with first and second portions 14, 16 and do not “extend toward the inner space” as specifically recited in claim 1 of the present application. The first lip described in claim 1 is markedly different from the tabs 26 disclosed in Light et al. Therefore, the cited references do not teach, or even suggest, all of the claim limitations found in claim 1 of the present application.

With regard to claim 14, it too contains limitations that are not taught or suggested by any of the cited references, either alone or in combination. For example, claim 14 recites “the inner surface having a first lip around the first aperture extending therefrom....” The tabs 26 in Light et al. do not extend from an inner surface of the first or

second portions 14, 16, but rather, are coplanar with the inner surface, which is substantially different from the limitation recited in claim 14. In addition, claim 14 recites "a first retaining wall having a free edge and a first hinged edge...." No such limitation is taught or suggested by the cited references. The Examiner states that Fryburger includes a "first retaining wall (32) [having] a free edge (29)." The feature 29 referenced by the Examiner, is not a free edge, but rather, is a "fold line" that itself will form a hinge. See, e.g., Figure 4 and Col. 2, ll. 60-65. Thus, claim 14 contains limitations which are neither taught, nor suggested, by any of the cited references, and *prima facie* obviousness is not established.

Each of the remaining claims has either claim 1 or claim 14 as its base claim, and therefore contains all of the limitations of that base claim, and as well as additional limitations which further distinguish it from the cited references. For example, claims 10 and 21 recite a decline formed on an outer surface of a retaining wall to compliment the lip extending from the inner surface. The Examiner states that Gestetner discloses a retaining device (10) including a lip (34) and a decline (20). As shown in Figure 2 of Gestetner, the platform 20 is not a decline, but rather, a horizontal platform. None of the drawing figures, nor the specification, indicates otherwise. As noted above, each of the remaining claims contains additional limitations which further distinguishes it from the cited references. Therefore, because each claim of the present invention contains limitations which are not taught or suggested by any of the cited references, either alone or in combination, it is submitted that *prima facie* obviousness is not established for any of the claims.

References Not Relied Upon

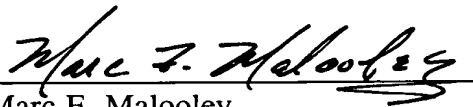
The Examiner states that U.S. Patent No. 4,215,779 (Vajtay) is considered pertinent to Applicants' disclosure. Applicants respectfully disagree with the Examiner for the reasons set forth below. Vajtay does not expressly or inherently describe each and every element of any of the claims of the present application, and therefore, does not anticipate the present invention. In addition, it is submitted that Vajtay is not properly relied upon in an obviousness analysis, for a number of important reasons. First, Vajtay discloses a package for

fragile objects. The purpose of such a package is to cover and protect the fragile object. This is directly counter to the present invention, which provides for displaying, rather than covering, a packaged object. Thus, there is no suggestion or motivation to combine Vajtay with any other reference, since an inventor looking to create a display package would not turn to a package for fragile objects, the purpose of which is to cover and protect. Similarly, modifying the Vajtay device with features as found in the present invention—e.g., providing the Vajtay device with side walls less than the length of the fragile object—would render the Vajtay device unsatisfactory for its intended purpose. As noted in the MPEP, this is indicative of a lack of suggestion or motivation to make the proposed modification. MPEP § 2143.01, 8th ed., Rev.1. Moreover, because Vajtay teaches a device for packaging a fragile object, it teaches away from the present invention, which is specifically intended to display an object having indicia thereon. Therefore, Applicants assert that Vajtay would be improperly relied upon in an obviousness inquiry.

Based on the foregoing, Applicants respectfully submit that claims 1-23 are patentable over the cited references. Accordingly, the allowance of claims 1-23 is requested.

Respectfully submitted,

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